

# HOUSE . . . . . No. 657

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By Mr. Correia of Fall River, petition of Robert Correia relative to the administration of the courts. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO THE ADMINISTRATION OF THE COURTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The first paragraph of section 10A of  
2 chapter 211B of the General Laws, as appearing in the 2002 Offi-  
3 cial Edition, is hereby amended by striking out the first sentence  
4 and inserting in place thereof the following sentence:— A first  
5 justice, in addition to his judicial powers and duties as a justice of  
6 the trial court and in addition to his general powers of superinten-  
7 dence as a first justice of a particular court within the trial court,  
8 shall, subject to the superintendence authority of the supreme  
9 judicial court as provided in section three of chapter 211 and the  
10 administrative authority of the chief justice of the first justice's  
11 department of the trial court, be the administrative head of his  
12 court; provided, however, that clerks, recorders and registers shall  
13 have exclusive and sole authority and responsibility for the  
14 internal administration of their respective offices, including  
15 hiring, budgeting, personnel, staff services and record keeping.

1 SECTION 2. Said section 10A of said chapter 211B, as so  
2 appearing, is hereby further amended by striking out the words  
3 “the chief justice for administration and management” and  
4 inserting in place thereof the following:— an independent arbi-  
5 trator agreeable to all parties who shall have authority to render a  
6 binding decision.

1     SECTION 3. The second paragraph of section 13 of said  
2 chapter 211B, as so appearing, is hereby amended by adding the  
3 following:— provided that the said clerk shall have exclusive and  
4 sole authority and responsibility for preparing that portion of the  
5 budget estimate which pertains to salaries of officers and  
6 employees within his office.

1     SECTION 4. The fifth paragraph of section 6 of chapter 218 of  
2 the General Laws, as appearing in the 2002 Official Edition, is  
3 hereby amended by striking out the second sentence and inserting  
4 in place thereof the following sentence:— As administrative head  
5 of his court, said first justice shall be responsible for the manage-  
6 ment of the courthouse and shall have control over all personnel  
7 employed therein except personnel in the office of the clerk; pro-  
8 vided, however, that the clerk shall have exclusive and sole  
9 authority and responsibility for the internal administration and  
10 management of his office, including hiring, budgeting, personnel,  
11 staff services and record keeping.

1     SECTION 5. Said fifth paragraph of said section 6 of said  
2 chapter 218, as so appearing, is hereby amended by striking out  
3 the fourth sentence and inserting in place thereof the following  
4 sentence:— Any person aggrieved by a decision of a chief justice  
5 under this paragraph may appeal said decision to an independent  
6 arbitrator agreeable to all parties who shall have authority to  
7 render a binding decision, who shall, within 30 days, hear and  
8 determine the matter.